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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,184	07/21/2004	Klaus Schoeller	DE020300	5540

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EXAMINER

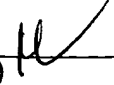
MACCHIAROLO, PETER J

ART UNIT PAPER NUMBER

2879

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/502,184	Applicant(s)  SCHOELLER ET AL.	
	Examiner Peter J. Macchiarolo	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The reply filed on 05/04/2006 consists of a substitute specification and changes to the drawings and to the claims. Further, the reply consists of remarks related to the previous Office Action. The above have been entered and considered.

The Examiner notes a marked up version of the specification has been received on 04/04/2006 in Applicant's remarks.

The Examiner notes that claim 1 was indicated allowable in the office action filed 01/11/2006 if rewritten to overcome the 35 U.S.C. 112, 2nd paragraph rejection while including all of the allowable subject matter. Presently, Applicant has amended the claims in an attempt to overcome the 112 rejection and incorporate the allowable subject matter. Although the instant claims have overcome the previous 112 rejection, none of the instant independent claims include all of the subject matter which was considered allowable. Therefore, pending claims 1-25 are not allowable as explained below.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: An "adsorption coating" as recited in claims 3, 4, 6, 7, 10, 13-17, and 22-25, has not been given proper antecedent basis in the specification.

Claim Objections

Claims 5, 8, 10, and 23 are objected to because of the following informalities:

Claims 5, 8, and 10 recite "a partial coating." However, the Examiner believes this to refer back to the coating previously recited in claim 1 and reads, "said coating." Appropriate correction is required.

Claim 23 recites "the adsorption coating." There is not proper antecedent basis for this term and the Examiner reads, "the partial coating."

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 7, 16, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites pinstripes being disposed on an area of the outer envelope, and further that a second portion of the outer envelope is arranged in a striped pattern along pinstripes. First, is it the coating on the envelope which is arranged in a striped pattern? Second, is the striped pattern the pinstripes as recited earlier in the claim? Third, are the pinstripes at the beginning of the claim different from the pinstripes at the end of the claim? This claim is so unclear it precludes a reasonable search for prior art. Claim 7 is likewise rejected due to its dependency.

Claim 16 recites the limitation "the pinstripes" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim. What pinstripes? Are these separate

elements from the striped pattern? The structural configuration cannot be gleaned from the claim, drawings, or specification and therefore this claim is so unclear it precludes a reasonable search for prior art. The Examiner notes the original disclosure fails to show a first striped pattern of coating which is arranged along a separate pinstripe. If this is indeed what Applicant is claiming, it constitutes as new matter and would be rejected under 35 U.S.C. 112 1st paragraph. However, the Examiner cannot ascertain what structural relationship Applicant is claiming and does not believe this claim is intended to recite a striped pattern different from a pinstripe. Claim 17 is likewise rejected due to its dependency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-15, 18-22, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant cited Luyties (USPN 1522252; “Luyties”).

Regarding claim 1, Luyties shows in figure 1, a lamp for a vehicle headlight having a low-beam function capable of generating a bright-dark cut-off (bottom most dashed beam line 6) for emitted light, the lamp comprising: an outer envelope (2) configured to emit at least visible light of different colors from several regions of the outer envelope (see column 3 lines 24-43) wherein a coating (frosting, not labeled) is provided on at least part of the outer envelope (2), the coating (frosting, not labeled) being such that, during operation of the lamp to illuminate a

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traffic space with the low-beam function, at least a first region (bounded by dashed lines 6 in figure 1 below center line 7) of the traffic space above the bright-dark cut-off (bottom most dashed beam line 6) is at least partly illuminated with visibly colored light (yellowish, see column 4 lines 61-106) scattered at the coating (frosting, not labeled), a second region (bounded by bottommost dashed beam lines 6 and 11) of the traffic space below the bright-dark cut-off (bottom most dashed beam line 6) then being illuminated with visible light of a different color (bluish-white light, see column 4 lines 61-106) in defined regions.

The Examiner notes that the limitation, "having a low-beam function" is an intended use type limitation. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Regarding claim 2, Luyties discloses in figure 1 and column 2 lines 56-95, the light source (2, 3, 4) is a high-pressure discharge lamp, non-halogen incandescent lamp or a halogen lamp.

Regarding claim 3, Luyties discloses in column 2 line 96 to column 3, line 23, at least a portion of the coating (not labeled frosting) is an adsorption coating capable of preferentially, at least in part, scattering yellow light (see column 4 lines 61-106).

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Regarding claim 4, Luyties discloses in column 2 line 96 to column 3, line 23 that at least a portion of the coating (diffusion frosting not labeled) is an interference coating or a combined adsorption and interference coating capable of transmitting blue light.

Regarding claim 5, Luyties shows in figure 1, the coating comprises a yellow adsorption layer (see column 2 line 96-column 3 line 43), is arranged in a defined manner on the lamp's outer envelope (2).

Regarding claim 8, Luyties shows in figure 1, the lamp is configured to illuminate, in the low-beam function, the traffic space in the vicinity of the bright-dark cut-off (bottom most dashed beam line 6) in a defined manner by light passing through the coating (frosting not labeled).

Regarding claim 9, Luyties shows in figure 1 a lighting device (entire assembly) comprising the lamp of claim 1.

Regarding claim 10, Luyties shows in figure 1 the coating comprising a yellow-adsorption layer is arranged on a front or rear region of the lamp's outer envelope (2).

Regarding claim 11, Luyties shows in figure 1 a vehicle headlight lamp having a low beam function, the lamp comprising an outer envelope (2) and a partial coating (frosting not labeled) provided on the outer envelope (2), the lamp being capable of generating during

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operation a bright-dark cut-off line (bottom most dashed beam line 6) in light emitted by the lamp (2, 3, 4), a first illumination region (bounded by dashed lines 6 in figure 1 below center line 7) being then positioned directly above the bright-dark cut-off line (bottom most dashed line 6) and illuminated with yellow light scattered at the partial coating (see column 2 line 96-column 3 line 43), a second illumination region (bounded by bottommost dashed beam lines 6 and 11) being positioned directly below the cut-off line (bottom most dashed line 6) and illuminated with bluish light (see column 4 lines 61-106).

The Examiner notes this claims shares the same intended use type limitation as found in claim 1 and is likewise considered and rejected.

Regarding claims 12-15, the limitations herein are the same as in rejected claims 2-4 and 10. The rejections are the same and will not be repeated.

Regarding claim 18, Luyties shows in figure 1, a vehicle headlight lamp having a low beam function, the lamp comprising a lamp envelope (2), the lamp envelope being provided with means for illuminating (3) during use of the low beam function, both a first illumination region (bounded by dashed lines 6 in figure 1 below center line 7) positioned directly above a bright-dark cut-off line (bottom most dashed beam line 6) and a second illumination region (bounded by bottommost dashed beam lines 6 and 11) positioned directly below the bright-dark cut-off line (bottom most dashed line 6) the first illumination region (bounded by dashed lines 6 in figure 1 below center line 7) being illuminated with light of a different color (column 4 lines 61-106)

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from the light illuminating the second illumination region (bounded by bottommost dashed beam lines 6 and 11).

The Examiner notes this claims shares the same intended use type limitation as found in claim 1 and is likewise considered and rejected.

Regarding claims 19 and 20, Luyties discloses the light illuminating the first and second illuminating regions is yellowish and bluish, respectively (column 4 lines 61-106).

Regarding claim 21, Luyties shows in figure 1 and in column 4 lines 61-106, the lamp is capable of emitting at least visible light of multiple wavelengths through the envelope and the mans for illuminating (2, 3, 4, and frosting, not labeled) comprises a partial coating (frosting not labeled).

Regarding claims 22, 24 and 25, the limitations herein are the same as in rejected claims 3-5. The rejections are the same and will not be repeated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luyties in view of English et al (USPN 6281630; "English").

Regarding claim 23, Luyties shows the partial coating is arranged in a striped pattern (perpendicular to the bulb).

However, Luyties is silent to pinstripes being arranged on the lamp envelope.

However, English discloses in figure 4 and in the abstract that pinstripes (80, 82) are arranged on the lamp envelope (42) to reduce glare.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the bulb of Luyties with the partial coating being arranged along one of the pinstripes to reduce glare while providing another soft light zone in the bright zone to further reduce glare and distraction to oncoming drivers.

Response to Arguments

Applicant has presented no arguments in the reply filed 04/04/2006.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (571) 272-2375. The examiner can normally be reached on 8:30 - 5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571) 272-2475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be "P. M.", with a small "p.m." printed below it.A handwritten signature in black ink, appearing to be "Nimeshkumar D. Patel", with a small "9" at the end.

NIMESHKUMAR D. PATEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800